

DRAFT

November 5, 2004

AGENDA EXCOMM MEETING

**Trusts and Estates Section
State Bar of California**

**NOVEMBER 13, 2004
LAX MARRIOTT HOTEL — 9:30 A.M. to 3:30 P.M.**

WELCOME, INTRODUCTIONS AND REPORTS OF CHAIR/VICE CHAIR

I.

Welcome & Introductions

1. **Approval of Minutes of October Meeting** [FITZPATRICK]
2. **Report of Chair** [FITZPATRICK]
3. **Report of Vice Chair** [FITZPATRICK]
4. **Report of Section Administrator** [POTTS]
5. **Administrative Matters** [ORLOFF]

ADMINISTRATIVE MATTERS

II.

Finance and Budget – Financial Report

1. **Council of State Bar Sections** [POTTS]
2. **COMMITTEE, TASK FORCE AND LIAISON REPORTS** [GODSHALL]

III.

Incapacity

1. [HARRIS/STERN]
 - (a) PC §§ 1900-1901 and 2351.5 amendments
 - (b) B&PC § 6068.5 — Attorney role in helping at-risk clients [Lodise]
 - (c) HIPAA Issues working group
 - (d) Ongoing projects:
 - (1) Conservator investment powers – reform of PC § 2574
 - (2) Appointed counsel for the already represented – amendment of PC §§ 1470-1471
 - (3) Conservator independent powers – PC §§ 2590-2591
 - (4) W&IC § 15657.3 – Estate of Lowrie
 - (e) AB 1101 Task Force [Lodise]
 - (f) Medi-Cal Update
2. **Legislation** [REGGIARDO]
 - (a) Mandatory procedures re legislative proposals
 - (b) Report on pending legislation

- (c) Legislative proposals submitted to State Bar for next year
- (d) AB 1155 - Adoption of Rule of Court **[Potts]**
- (e) AB 1210 - Cleanup **[Reggiardo]**
- (f) Online Bill Tracking legislative information:
www.leginfo.ca.gov/

IMPORTANT GUIDELINES:

- Please use approved format for legislative proposals.
- Please Use Comment form for comments on legislation as a member of EXCOMM.
- Always write to Larry Doyle, not directly to a member of legislature or legislative staff.
- If you agree to testify, be there unless otherwise notified.

Conference of Delegates

3.

[LODISE/MOORE]

- (a) T&E Resolutions

Trust & Estate Administration Committee

4.

[DOCKER]

- (a) Temporary Trustee powers
- (b) SB 1021 Cleanup: New Notice of Proposed action for trusts - review for problems, need cleanup?
- (c) Inconsistent requirements for recording deeds in different counties

CLRC Committee

5.

[MOORE]

- (a) Report on CLRC meeting
- (b) Multiple party accounts
- (c) Other pending or looming CLRC projects
- (d) Uniform Trust Act/Prof. English Report

Educating Seniors

6.

[TONG]

- (a) Senior Information Line 1-888-460-7364
- (b) Speakers' Bureau - New Guidance for speakers
- (c) Your Legal Rights - AMA Funding
- (d) Coordination with Office of Emergency Services
- (e) Status of Funding for Information Card and Senior Outreach Plan

- 7. Ethics Committee** **[WOLFF/LODISE]**
- (a) Report of Liaison to Revision Commission
 - (b) Status of Ethics Guide Update
 - (c) Borissoff Case
 - (d) Rule 3-310 of Rules of Professional Conduct
- 8. Estate Planning Committee** **[PAYNE]**
- (a) PC § 21350 care custodian project
 - (b) Domestic Partnership - Blast Email
 - (d) Probate Code § 6110 - witness requirements
- Membership & Marketing**
- 9.** **[ALBERIO]**
- (a) Membership count
 - (b) Marketing of education programs
 - (c) Staffing tables at MCLE programs
- Income and Transfer Taxes**
- 10.** **[KAO]**
- (a) State Legislation of Note
 - (b) Federal Legislative Developments
- Quarterly**
- 11.** **[HARTOG]**
- (a) Fall 2004 Issue status
 - (b) Winter 2004 Issue status
 - (c) Solicitation of articles
 - (d) Advertising **[Streisand]**
- Education**
- 12.** **[KOONTZ]**
- (a) Report on past/pending programs
 - (b) Future programs
- Litigation Committee**
- 13.** **[HORTON]**
- (a) Judicial Council proposal re fiduciaries in pro per
 - (b) Combining will/trust procedures **[Kovar]**
 - (c) Proposed model ADR rules **[Henden]**
 - (d) New cases

14. McAdams Task Force

[LODISE]

- (a) Status

Computer/Internet

15.

[HARTOG]

- (a) Listserve

- (b) Report on Real Property Section Online Journal Index

CEB

16.

[DENNIS-STRATHMEYER]

- (a) Upcoming Programs

- (b) Ads in CEB publications

NCCUSL

17.

- (a) Uniform Trust Act

- (b) Uniform Institutional Management of Funds Act

- (c) Uniform Allocation of Tax Act - Birnberg

- (d) New proposals solicitation

COMING ATTRACTIONS

IV.

FUTURE EXCOMM EVENTS

Next ExComm Meeting

January 8, 2005

SFO WESTIN HOTEL - 9:30 A.M. to 3:30 P.M.